

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DWAYNE HILL,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:24-cv-66
)	
WARDEN RANDY IRWIN, <i>et al.</i>,)	
)	
Defendants.)	

MEMORANDUM ORDER

This *pro se* civil action was commenced by Plaintiff Dwayne Hill, a former inmate at the State Correctional Institution at Forest (“SCI-Forest”) who is seeking redress for the alleged violation of his civil rights. To that end, Plaintiff asserts claims under 42 U.S.C. §1983 against eleven individuals who serve as DOC officials or medical staff at SCI-Forest. The matter has been referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and the Local Rules for Magistrate Judges.

Currently before the Court is the Plaintiff’s motion for temporary restraining order (“TRO”) filed at ECF No. [10]. In his motion, Plaintiff seeks an order prohibiting the Defendants from using “O.C.” spray against or around him and an order directing that several of the Defendants “be restrained from being around Plaintiff or any other person that could be influence[d] to commit harm or emotional distress.” ECF No. [10] at 1-2.

On October 25, 2024, Judge Kelly filed a report and recommendation (“R&R”) in which she opined that Plaintiff’s motion should be denied as moot because Plaintiff is no longer housed at SCI-Forest and is therefore no longer subject to the control of those individuals whom he

claims are violating his rights. ECF No. [26]. Plaintiff's objections to the R&R were due on or before November 14, 2024. To date, no objections have been received by the Court.

Accordingly, upon *de novo* review of the complaint and documents in the case, including Plaintiff's motion docketed at ECF No. 10, all filings related thereto, and the Magistrate Judge's Report and Recommendation, the following Order is entered:

NOW, this 22nd day of November, 2024, IT IS ORDERED that Plaintiff's motion for a temporary restraining order filed at ECF No. [10] shall be, and hereby is, DENIED.

IT IS FURTHER ORDERED that the Report and Recommendation of U.S. Magistrate Judge Kelly, dated October 25, 2024, ECF No. [26], is adopted as the opinion of this Court.


SUSAN PARADISE BAXTER
United States District Judge